



2924

Section #

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date appearing below.
ELI LILLY AND COMPANY

By

K. B. Lodes

Date

9-3-98

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael R. DeFelippis, et al.)
Serial No. : 09/096,247)
Filed : June 11, 1998) Group Art Unit
For : STABLE INSULIN FORMULATIONS) 1646
Docket No. : X-10675)

TRANSMITTAL OF DECLARATION UNDER 37 C.F.R. 1.51 (a) (1) (ii)
RESPONSE TO NOTICE TO FILE MISSING PARTS

Assistant Commissioner for Patents
Box Missing Parts
Washington, D. C. 20231

Sir:

This is in response to a "Notice to File Missing Parts of Application" dated June 11, 1998, noting the absence of a declaration from the papers filed with the above-identified application.

Enclosed herewith are: 1) a copy of the Notice and 2) a Declaration under 37 C.F.R. 1.63 by the Applicants in this application.

Please charge Deposit Account No. 05-0840 in the amount of \$130 for the surcharge required by §1.16(e). The Assistant Commissioner is hereby authorized to charge any additional fees which may be required by this Response, or

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Serial No. 09/096,247

-2-

credit any overpayment, to Deposit Account No. 05-0840. An original and two copies of this paper are enclosed.

Respectfully submitted,



Steven P. Caltrider
Attorney for Applicants
Registration No. 36,467
Phone: 317-276-0757

Eli Lilly and Company
Patent Division/SPC/MJS
Lilly Corporate Center
Indianapolis, Indiana 46285

September 2, 1998

SCANNED 4



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|
| 09/096,247 | 06/11/98 | DEFELIPPIS | W X-10675 |

STEVEN P. CALTRIDER
ELI LILLY AND COMPANY
LILLY CORPORATE CENTER
PATENT DIVISION DC 1104
INDIANAPOLIS IN 46285



NOT ASSIGNED

DATE MAILED:

07/07/98

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☐ small entity (statement filed) ☒ non-small entity is \$ 130

☐ 1. The statutory basic filing fee is:

- ☐ missing.
☐ insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required.

\$ _____ for _____ independent claims over 3.

\$ _____ for _____ dependent claims over 20.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unexecuted.
☐ does not cover the newly submitted items.
☐ does not identify the application to which it applies.
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

H. Bell
Customer Service Center
Initial Patent Examination Division (703) 308-1202



DECLARATION AND POWER OF ATTORNEY

Docket No. X-10675

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the invention entitled

STABLE INSULIN FORMULATIONS

which is described and claimed in the specification which:

(check [] is attached hereto.
one) [X] was filed on June 11, 1998 as United States
Application Serial No. 09/096,247
or
PCT International Application No. _____
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional patent applications listed below.

60/053,089
(Application Number)

June 13, 1997
(Filing Date)

(Application Number)

(Filing Date)

Power of Attorney: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

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TECH CENTER 1600/2900
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| <u>Attorney</u> | <u>Reg. No.</u> | <u>Attorney</u> | <u>Reg. No.</u> |
|----------------------|-----------------|-------------------------|-----------------|
| Brian P. Barrett | 39,597 | Robert E. Lee | 27,919 |
| Michael T. Bates | 34,121 | James P. Leeds | 35,241 |
| Roger S. Benjamin | 27,025 | Nelsen L. Lentz | 38,537 |
| David E. Boone | 27,857 | Ronald S. Maciak | 35,262 |
| William R. Boudreaux | 35,796 | Janet T. McClain | 36,863 |
| Steven P. Caltrider | 36,467 | Arlene K. Musser | 37,895 |
| Paul R. Cantrell | 36,470 | Douglas K. Norman | 33,267 |
| Daniel W. Collins | 31,912 | Arleen Palmberg | 40,422 |
| Robert A. Conrad | 32,089 | Kathleen R. S. Page | 20,981 |
| Anne I. Craig | 32,976 | Thomas G. Plant | 35,784 |
| John C. Demeter | 30,167 | James J. Sales | 33,773 |
| Paul J. Gaylo | 36,808 | Jeffrey J. Skelton | P42,152 |
| Edward P. Gray | 30,638 | Janelle D. Strode | 34,738 |
| Amy E. Hamilton | 33,894 | Douglas J. Taylor | 32,945 |
| Thomas E. Jackson | 33,064 | Robert D. Titus | 40,206 |
| Charles Joyner | 30,466 | Guy K. Townsend | 34,033 |
| James J. Kelley | P41,888 | Barbara Twardzik | 36,386 |
| David J. Kulik | 36,576 | MaCharri Vorndran-Jones | 36,711 |
| | | Thomas D. Webster | 39,872 |

said David E. Boone to have in addition the power to revoke the power granted to all others listed above.

Send Correspondence To:

ELI LILLY AND COMPANY
Patent Division/SPC
Lilly Corporate Center
Indianapolis, Indiana 46285

Direct Telephone Calls To:
(name and telephone No.)

Steven P. Caltrider
317-276-0757

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Sole or
or First Inventor :

Michael Rosario DeFelippis

Inventor's Signature :

Michael Rosario DeFelippis Date: 8/20/98

Residence Address :

10906 Santa Anita Court
Indianapolis, Indiana 46280

Post Office Address :

SAME AS ABOVE

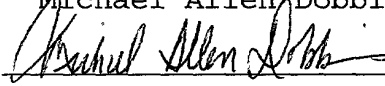
Citizenship :

United States of America

Full Name of Second

Joint Inventor, if Any: Michael Allen Dobbins

Inventor's Signature:



Date: September 1, 1998

Residence Address : 1109 Barry Drive
Lebanon, Indiana 46052

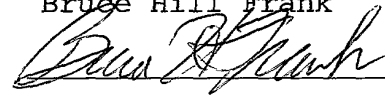
Post Office Address : SAME AS ABOVE

Citizenship : United States of America

Full Name of Third

Joint Inventor, if Any: Bruce Hill Frank

Inventor's Signature :



Date:

Sept 1, 1998

Residence Address : 9377 Spring Forest Drive
Indianapolis, Indiana 46260

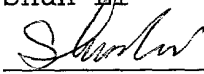
Post Office Address : SAME AS ABOVE

Citizenship : Unites States of America

Full Name of Fourth

Joint Inventor, if Any: Shun Li

Inventor's Signature :



Date:

Sept. 1, 98

Residence Address : 7620 Bancaster Drive
Indianapolis, Indiana 46268

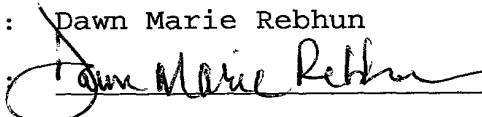
Post Office Address : SAME AS ABOVE

Citizenship : United States of America

Full Name of Fifth

Joint Inventor, if Any: Dawn Marie Rebhun

Inventor's Signature :



Date:

Sept 1, 98

Residence Address : 619 Spring Valley Drive
Indianapolis, Indiana 46231

Post Office Address : SAME AS ABOVE

Citizenship : United States of America

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